

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**FAO No.5406 of 2013 (O&M)
Date of Decision : 28.11.2018**

Smt. Mukesh and others

..... Appellants

Versus

Sukhminder and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ashok Giri, Advocate
for the appellants.

Mr. G.S.Sidhu, Advocate
for respondent No.1.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 14.05.2013 passed by the Motor Accident Claims Tribunal, Bhiwani granting compensation of Rs.11,72,000/- along with interest @6% per annum in favour of the appellants and against the respondents.

Since a very limited point has been raised further detailed reference to the facts is not necessary.

Counsel for the appellants has argued that in view of the judgment passed in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% had to be awarded on account of future prospects. I find this to be indeed so. It is held that 40% has to be awarded towards future prospects.

Counsel for the appellants states that under the conventional heads the tribunal has awarded a sum of Rs.20,000/- and as per the judgment passed in *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018 (4) RCR (Civil) 333*, Rs.40,000/- each for consortium/filial consortium had to be awarded to the widow, minor children and mother along with Rs.30,000/- for funeral and loss of estate and once that is taken into consideration the compensation under the conventional heads would be Rs.1,90,000/-. Counsel for the respondents are not in a position to deny this. I accept this argument. I award Rs.1,70,000/- more under the conventional head.

Counsel for the appellants states that interest @6% per annum has been awarded whereas in *Magma General Insurance Company Ltd. supra*, the Supreme Court had awarded interest @12% per annum. In the circumstances, the entire compensation would carry interest @12% per annum.

Apart from the individual amount/s the apportionment would be as per that made by the Tribunal. The share of minors will be put in a fixed deposit till they attain the age of majority. Rest of the award shall remain unchanged.

Appeal is allowed in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

28.11.2018
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No